STATEMENT TO THE SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS, AND INTERNATIONAL RELATIONS
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JOHN DANIEL MORRIS
CONSUL GENERAL
US EMBASSY BEIJING
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The tragic events of September 11, 2001 that changed the way most Americans look at the world also prompted extensive changes in the State Department's visa procedures and policies, with far-reaching consequences, some foreseen, some not. The general thrust of the changes was a significant tightening up of the visa application process, resulting in a more security-oriented scrutiny of cases, but with some serious negative implications for facilitating general travel into the United States. In the last few years the Department has made important strides in attaining its goal of "Secure Borders, Open Doors," though it still has obstacles to be overcome of course before both objectives can be fully assured.

As a Foreign Service Officer over a 30-year span, and having served most of that time in the consular field, I view my career in two discrete segments--pre-9/11 and post-9/11. The difference in consular work since 9/11 has been huge in terms of increased policy focus on security. In September 2001 and during the subsequent 10 - 11 months I was posted in Indonesia, not directly involved with visa matters. In August 2002, however, I was transferred to Beijing to serve as Consul General, and remained there until June of this year. As Consul General in Beijing I had primary responsibility for implementing in China the State Department's many worldwide post-9/11 visa policy changes increasing focus on security.

Shortly after my arrival in Beijing we received a worldwide message from then-Secretary Powell reminding all Chiefs of Mission that the security of the United States is the "primary" consideration in the processing of U.S. visas. Although security has always been a key part of the visa consideration process, the Secretary's message was the most explicit and definitive I have seen on that point;

and I kept a copy of that message at my desk in Beijing to remind me of that priority amid the daily swirl of activity involved with processing hundreds of thousands of cases each year in China.

The watchword of "security" that Secretary Powell raised defined consular work in large measure post-9/11 in my experience. Security's importance was emphasized frequently by Consular Affairs Assistant Secretary Maura Harty, explained at length in conferences I attended, detailed in a succession of policy telegrams mandating procedural changes, and reinforced in the training of interviewing officers. It remains for consular officers in the field to implement this clear directive while at the same time doing their best to facilitate the legitimate travel of tourists, students, business travelers, and others into the United States, within the constraints of personnel and physical resources. This is no small task.

In China there were three mandated changes in visa procedures post-9/11 which had a major impact on our operations. First there was a change in the handling of cases worldwide which required what we term Security Advisory Opinions (SAO's). These are broad categories of cases involving various potential "security-related" concerns regarding which the State Department has removed issuance authority from Consular Officers abroad until these have been vetted and cleared by concerned offices in Washington. Before the summer of 2002 posts abroad submitted these cases to Washington via cable, and if no negative response was received within a specified period (usually two weeks) clearance was presumed and the visa could be issued if the applicant was otherwise eligible. In the summer of 2002, however, posts were instructed they could not issue these visas until a positive "OK" was sent by the Department.

In short order things began to get complicated. Responses were regularly delayed for weeks in most cases and months in many others. Most SAO cases in China (of which there are several thousand each year) do not involve terrorist-related security issues, but rather potential illicit technology transfer matters. Officers must submit for SAO's cases involving travelers from China involved in a broad range of scientific and technical fields. Thus, a measure primarily intended to thwart terrorism came to be applied broadly and to have unintended consequences on another category of applicants. When the long SAO-response delays persisted many legitimate scientific and academic exchanges and bilateral cooperation suffered. The Department of State was itself as frustrated by the delays as we were in the field. Although the problem lay primarily in the slow responses from vetting agencies, we in the field sometimes felt we bore the brunt of criticism for "moving

slowly" on the processing of important visa cases, including some high profile cases.

Over time there were significant improvements in this SAO turnaround problem, as the Department made strenuous efforts to improve Washington coordination and agency responses became more timely. By early 2005 about 95% of these cases were receiving "OK's" within 2 - 3 weeks. I hasten to add that at the same time we were also successfully identifying a number of applicants whose entry into the United States was not in our security interest from a technology transfer perspective; but that could have been accomplished without the harm caused by the SAO turnaround problem.

The second big post - 9/11 Department-mandated change for China was the elimination of personal appearance waivers (PAW) programs worldwide. Many categories of applicants who had previously been exempted from personal interviews were now post 9/11 required by Department policy to be seen by an officer before their visa could be issued. Waivers of personal interviews were now post - 9/11 required by Department policy to be seen by an officer before their visa could be issued. Waivers of personal interviews are, of course a standard practice for most travelers to obtain permission for entry into most other countries around the world. The United States had begun to use PAW programs extensively in the 1980s and 1990s as worldwide demand for USA visas far outstripped available consular resources. We in the field were advised frequently to find ways to "do more with less," and the use of PAW programs was one of the methods approved for doing just that.

In China prior to my arrival there had been a long-standing PAW program for Chinese applicants bearing so-called "public affairs" passports. These applicants comprised almost 30% of all visitor visa cases in China. The Chinese authorities argued, and still assert, that these tens of thousands of diverse individuals are "officials" and should therefore be exempted from interviews. They are wrong. Of course, in a state-run economy, or a mixed economy, as China is today, many ordinary people technically still work for the government. But most of the "public affairs" passport holders in fact are not "officials" but rather are ordinary workers or midlevel supervisors at state-owned factories or the like. In China we therefore eliminated this PAW program for these applicants, just as other U.S. Embassies and Consulates eliminated at the Department's direction other PAW programs.

With this elimination, however, our visa interview workload in China quickly grew by as much as 20%. It did not grow by 30% (the approximate percentage of

applicants in the "public affairs" category) because 10% simply chose not to apply (most probably went to Europe or Australia instead). But 20% overnight is a staggering workload increase for offices already approaching their resource limits. While the SARS phenomenon, which occurred just as we were eliminating the PAW in China, delayed the huge growth in demand for interviews for several months, by the fall of 2003 all posts in China began to experience notable appointment backlogs. By juggling resources and using creative efforts, posts in China generally managed during my tenure to keep visa backlog requests at around 4 weeks. Our Consulate General in Shanghai, because of the rapid growth in that city's economy, experienced more pronounced workload growth and therefore sometimes had backlogs of visa appointment requests of two months. Those were in fact the approximate backlog figures when I departed post in June. Endeavoring to cope with the growing workload demand, including normal growth due to China's economic gains, was a major task for me in my last 18 months in China.

The Department of State allocated to us in China a substantial number of additional officer slots. We simply could not have coped otherwise. Because of the training time lag (including Chinese language training), however, additional help was almost always awaited anxiously at each post. We constructed additional facilities in China to handle the growing crowds and expanding staff. We offered facilitated access to interviews for student and business applicants on short fuse schedules. Our officers worked long hours and many weekends. We brought in temporary office support from the Department and other Embassy sections. But visa appointment backlogs in China, as elsewhere in the world, have become a fact of life in the post-9/11 world. With China's 1.3 billion people, an economy growing at 9% a year, and most Chinese placing the U. S. near the top as a desirable travel destination, it is difficult to imagine how many consular officers will be required in the future to interview all the visa applicants. And that is just one country.

In the end the backlog issue turns on officer resources--a single consular officer can only effectively conduct a finite number of visa interviews each day; and when visa demand exceeds what officers can collectively handle, backlogs, frustration, discouragement of legitimate travel, negative business repercussions, and a less positive image of the U.S. abroad are the results. The key to effective visa operations in a world where all applicants are personally interviewed is sufficient trained officers on the spot to do the job.

The third big change that affected operations in China was the implementation of "biometrics," or the fingerprint requirement for all visa applicants. By and large this came off well in China, and the Department deserves a lot of credit for

bringing this off successfully worldwide. In general, the Chinese public accepted this new requirement (since they had to come in for an interview anyway it wasn't a particularly added burden). In my time there we identified through the program a number of fraud cases and criminals, and the electronic responses came back quickly enough (usually less than a minute) to enable us to handle our daily workload. From anecdotal evidence I sensed that there were some travelers from China with nefarious purposes that were deterred from applying for U.S. visas because of our fingerprint requirement. On the flip side, the major negative impact of fingerprinting on our operations was twofold: one, it was simply another travel impediment that many potential Chinese applicants did not want to face. It became relatively easier for them to obtain visas for Europe or Australia, and, in fact, that's where many of them go now to spend their tourist dollars. Two, many important Chinese decision-makers not exempted from fingerprinting as "officials" now choose not to come to the U.S. but instead to do business or otherwise travel to Japan, Europe and Australia.

The Department post-9/11 took many other important steps to tighten up visa procedures, many which have been cited to the committee by my former colleagues in the Consular Affairs Bureau. Some of these are just as important from the security perspective, though none had the major impact on our daily operations as the three examples cited above. Among these, were the entry into the visa namecheck system of tens of thousands more names of those who should be denied entry into the U.S., a more systematic method of tracking students in the U.S. from the date of visa application, the requirement of substantial additional information from applicants, the issuance of directives to posts detailing careful processing, and the dispatch of support teams to posts to ensure those directives are being followed. Cumulatively, these measures brought procedures more and more in line with Secretary Powell's admonition about security in the visa process. However, they also cumulatively added more and more requirements to officers' daily workload and contributed to the slowing down of the visa process, with all that entails.

From the above, it should be clear I believe that strenuous, and sincere efforts have been made in the Department and by dedicated officers abroad to carry out Secretary Powell's (as well as Congress's and the current Department administration's) directives on placing "security" in the forefront of visa processing. The officers I supervised came to China well attuned to their responsibilities in this regard and serious about their role as part of the "front line" of America's defense. In this we received strong support and advice from Ambassador Randt and others in his management team in Beijing.

The task of keeping America secure from outside threats while open to active and positive participation in the international community will grow even more difficult in an increasingly interconnected world. The issue of how to administer the visa filter--keeping the "bad guys" out while welcoming those whose presence benefits the U.S.--is part of that dilemma. I am confident that my former Foreign Service colleagues, now serving their nation in many important and diverse roles and in dangerous locations, will continue to work hard to find the right solutions.

As far as my own recommendations for bolstering the visa process I have two: first, the U.S. Government must provide sufficient resources to enable the Department's Consular Corps to do the jobs overseas that are required; second, policy makers should ensure that all security-related measures are thoroughly planned and well-coordinated to avoid their having unnecessary and unintended negative consequences for other important U.S. interests.

On the resources question, in the not too distant future the United States will be faced with many more thousands of visa requests from nations like China, India, Mexico, and other developing populous countries. Serious consideration must be given as to how we can accommodate these requests. We cannot afford to give short shrift to an already overburdened Consular Corps and simply expect miracles to occur. Technology can help, but only so far if each applicant must be interviewed in his/her own native language. If we cannot efficiently facilitate beneficial travel to our nation, while maintaining security controls, it is U.S. businesses, our economy, academia, and our international image which will continue to suffer.

On the issue of properly directing our security focus, the example regarding security advisory opinions above is one where good intentions led to at least temporary negative consequences. Broad consultation, discussion, and consideration by all interested parties are advisable whenever feasible as the Department of State and other elements of the United States Government move forward with additional security-related visa measures. These discussions should not be too lengthy or drawn out--security is too important--but posts abroad in particular and others may have constructive ideas to contribute to avoid unintended consequences.

In closing, I would like to thank the Subcommittee for the opportunity to put forth my private observations on this important subject. I hope that my comments will

be helpful in your deliberations and would welcome any further questions in this regard.